

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re:

SUMMIT METALS, INC.,

Chapter 11

Case Nos. 98-2870 (RB)

Debtor.

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**CHAPTER 11 TRUSTEE'S
MOTION TO DISMISS APPEAL AS MOOT**

Pursuant to the direction of the office of the Clerk of the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") and the office of the Clerk of the United States District Court for the District of Delaware, this Motion to Dismiss is being filed in the Bankruptcy Court.

MONZACK AND MONACO, P.A.

JOSEPH J. BODNAR (#2512)
1201 Orange Street, Suite 400
Wilmington, DE 19801
(302) 656-8162

*Attorneys for Appellee Francis A. Monaco, Jr.,
Chapter 11 Trustee*

Dated: December 9, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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In re:

SUMMIT METALS, INC.,

Debtor.

Chapter 11

Case Nos. 98-2870 (RB)

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AMBROSE M. RICHARDSON, III,

Appellant,

Bankruptcy Appeal No. _____

v.

FRANCIS A. MONACO, JR., TRUSTEE, *et. al.*,

Appellees.

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**APPELLEE FRANCIS A. MONACO, JR., CHAPTER 11 TRUSTEE'S
MOTION TO DISMISS APPEAL**

Appellee Francis A. Monaco, Jr., Chapter 11 Trustee (the "Trustee") of Summit Metals, Inc. (the "Debtor"), a party to the order which has been appealed to this Court, by and through the undersigned counsel, hereby moves to dismiss this appeal filed by Appellant Ambrose M. Richardson, III. The grounds for this motion are set forth in the Trustee's memorandum of law filed contemporaneously herewith.

WHEREFORE, the Trustee requests that the Court dismiss this appeal, award the Trustee the costs of this appeal and grant the Trustee such further relief as the Court deems just and proper.

DATED: December 9, 2005

MONZACK AND MONACO, P.A.

A handwritten signature in black ink, appearing to read "Joseph J. Bodnar", written over a horizontal line.

JOSEPH J. BODNAR (#2512)
1201 Orange Street, Suite 400
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